IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 23843 of 2004

Between:

Shaik Abdul Kareem, S/o.SK.Moinuddin,
Aged 55 years, Dealer of Pendyala (vil),

Maheswaram (M), R.R.District.

..... PETITIONER

AND

1. The Joint Collector (CS), R.R.District at Hyderabad.
2. The R.D.O., East Division, R.R.District, Malakunta Road,

Goshmahal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus and set aside the order of the R2 in proc.No.3461/2004 dt.02-12-2004 and consequently direct respondent No.2 to supply the E.C's to the petitioner F.P.shop at Pendyala village, Maheswaram Mandal, R.R.District.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

The Court, at the admission stage, made the following:

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ORDER:

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The authorization of the petitioner as a fair price shop dealer was suspended by the 2nd respondent through orders, dated 02.12.2004. Aggrieved thereby, petitioner preferred an appeal before the 1st respondent along with an application for stay. His grievance is that no orders have been passed so far, and seeks appropriate directions from this Court.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

A perusal of the order, dated 02.12.2004, passed by the 2nd respondent discloses that the directions issued by the Collector (Civil Supplies) in his letter, dated 04.11.2004, constituted the basis. The various facts and figures furnished therein disclose that except for few months the petitioner has lifted the entire quantity of rice to distribute the same. Even before any Show-Cause Notice is issued and the version of the petitioner is ascertained, the 2nd respondent took the view that the allegations against the petitioner are proved. Such a course of action is impermissible in law.

Taking the totality of the circumstances into account, the writ petition is disposed of directing that the order of suspension, dated 02.12.2004, passed by the 2nd respondent shall remain stayed, pending disposal of the appeal by the 1st respondent, and the petitioner shall be entitled to function as fair price shop dealer. No order as to costs.

L.NARASIMHA REDDY, J

Dated : 21st December, 2004

Note: Office to furnish copy

In three days.

(B/o.)

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To

1. The Joint Collector (CS), R.R.District at Hyderabad.
2. The R.D.O., East Division, R.R.District, Malakunta Road,

Goshmahal, Hyderabad.

3. 2 CCs to the Government Pleader for Civil Supplies, High Court of

A.P. High Court Buildings, Hyderabad.(O.U.T)

4. 2CD copies.